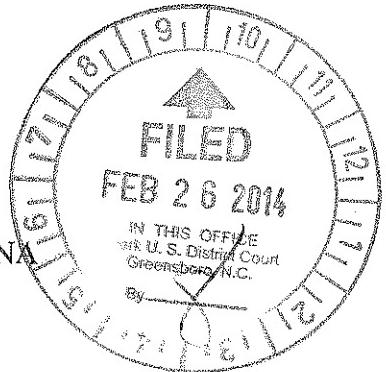


IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT COURT OF NORTH CAROLINA



TYROME M HOLLOMON JR  
Plaintiff.

Case No. 14CV31

-v-

SMITH DEBNAM NARRON DRAKE  
SAINTSING & MYERS, LLP  
Defendant.

**AMENDED COMPLAINT**

Plaintiff, TYROME M HOLLOMON JR hereby sues Defendant, SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP; and alleges:

**PRELIMINARY STATEMENT**

1. This is an action for damages brought for violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. §1681 *et seq.*

**JURISDICTION AND VENUE**

2. The jurisdiction of this Court is conferred by 15 U.S.C. §1681p.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391b.

4. This is an action for damages which do not exceed \$5,000.00.

5. Plaintiff, TYROME M HOLLOMON JR, is a natural person and is a resident of the State of North Carolina.

6. Defendant, SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP, is a North Carolina Partnership, authorized to do business in North Carolina.

7. All conditions precedent to the bringing of this action have been performed, waived or excused.

**FACTUAL ALLEGATIONS**

8. On May 7, 2012, SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP

initiated a hard pull of Plaintiff's credit report from Experian without permissible purpose, thereby reducing his credit score.

9. Plaintiff has no contractual obligation to pay Defendant.

10. Defendant are attorneys for DISCOVER BANK

11. Plaintiff has no contractual obligation to pay DISCOVER BANK

12. On or about February 8, 2013 Plaintiff requested a production of the original contract with signatures between Plaintiff and DISCOVER BANK. The Defendant failed to produce any signed contract

13. On or about December 30, 2013 Plaintiff sent Defendants a notice of violation for attempting to collect a nonexistent debt with an opportunity to cure.

**COUNT I**

**VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681  
WILLFUL NON-COMPLIANCE BY DEFENDANT SMITH DEBNAM NARRON DRAKE  
SAINTSING & MYERS, LLP**

14. Paragraphs 1 through 13 are realleged as though fully set forth herein.

15. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

16. SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

17. SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP willfully violated the FCRA. Defendant's violations include, but are not limited to, the following:

(a) SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP willfully violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages against SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP for actual or statutory damages, and punitive damages, fees and costs, pursuant to 15 U.S.C. §1681n.

**COUNT II**

**VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681  
NEGLIGENT NON-COMPLIANCE BY DEFENDANT SMITH DEBNAM NARRON  
DRAKE SAINTSING & MYERS, LLP**

18. Paragraphs 1 through 13 are realleged as though fully set forth herein.

19. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

20. SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

21. SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP negligently violated the FCRA. Defendant's violations include, but are not limited to, the following:

(a) SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP negligently violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by 15 U.S.C. §1681b.

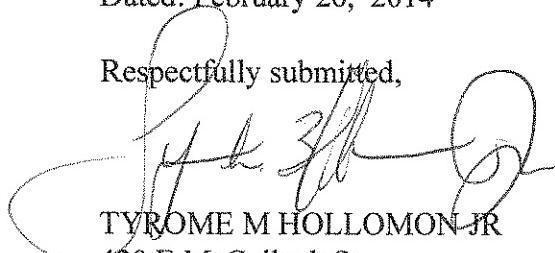
WHEREFORE, Plaintiff demands judgment for damages against SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP for actual or statutory damages, and punitive damages, all fees and costs, pursuant to 15 U.S.C. §1681o.

#### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: February 26, 2014

Respectfully submitted,

  
TYROME M HOLLOWMON JR  
420 E McCulloch St  
Greensboro, North Carolina 27406  
holloty@gmail.com  
336-389-1254

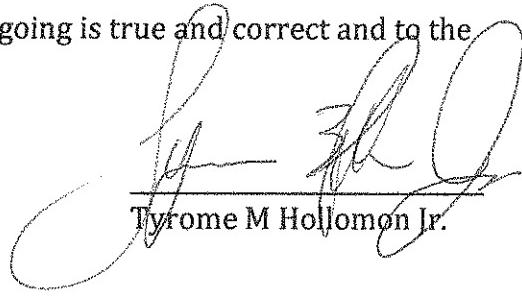
STATE OF NORTH CAROLINA  
GUILFORD COUNTY

AFFIDAVIT OF TYROME M HOLLOWOM JR

I, Tyrome M Hollomon Jr, having been sworn and being under oath, allege as follows:

1. I am the Plaintiff in this lawsuit.
2. I do not have any signed contractual agreement with SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP or DISCOVER BANK
3. I do not owe any debt to SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP or DISCOVER BANK, according to the Generally Accepted Accounting Principles (GAAP)
4. I have been violated by a non permissible credit pull. (exhibit A)

I declare under penalty of perjury that the foregoing is true and correct and to the best of my knowledge.



Tyrome M Hollomon Jr.

Sworn to and subscribed before me,  
This 24 day of Feb, 2014.

Bettye B Howard  
Notary Public

My commission expires: 10/10/2015

